

REMARKS

Claims 1,4 and 6 are amended herein to correct informalities.
Claims 1 through 9 remain pending in the Application.

Drawings

The drawings are objected to under 37 C.F.R. 1.83(a). The objection states the drawings must show every feature of the invention specified in the claims. Therefore, the base portion and head portion of Claims 8 and 9 must be shown or the feature(s) canceled from the claims.

Applicant respectfully points out that the handle element as shown in the Figure 9A has a head portion and a base portion. It is clearly stated that the head portion of the handle element 902 being disposed above the base portion and that the handle element is integral with the filler panel body such that the base portion is flush with the filler panel body.

Moreover, the Applicant respectfully points out that in the initial paper addressing the Oct 3, 2003 restriction requirements, the Applicant stated that with respect to the Figures 9A-12, that Figures 9A-12 are various embodiments of the generic Claims 1 and 18, and that the species restriction was improper. However, in a follow on telephone discussion on December 29, 2003, the Examiner required an election of the species. For purposes of expediting the prosecution on the Application, the Applicant elected species e – Figure 9A while also not making a statement that the

species are patentably distinct and is also not making a statement that the species are not patentably distinct. However, to expedite the prosecution of the application, Applicant selected species e without traverse. In so doing, the Applicant ensured that all Claimed portions were shown in Figure 9A as clearly as possible. However, as the Applicant has now thrice stated, due to the improper species restrictions being required by the Examiner at the onset of examination, the ability to clearly define the Claims in the drawings has been severely limited.

Claim Objections

In the office action Claims 1, 4 and 6 are objected to for informalities. With respect to Claims 1, 4 and 6 Applicant has corrected the informalities. Therefore, the objection with respect to Claims 1, 4 and 6 are now overcome.

Claim Rejections 35 USC 112

Claims 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly Claim the subject matter which applicant regards as the invention. Specifically, Claims 4 and 6 are cited as claiming an indefinite standard.

However, Applicant respectfully states that Claim 4 cites the Industry standard "compact peripheral component interconnect standard", and Claim 6 cites the industry standard "VersaModular Eurocard standard."

Both Claim 4 and Claim 6 are directed to industry standards that are well known in the art. Furthermore, MPEP 2173.05 states that the meaning of every term should be apparent at the time the application is filed. Therefore, the industry standards for “compact peripheral component interconnect standard”, and “VersaModular Eurocard standard” are fixed as of the time the application is filed and are well-known in the art. Therefore, the rejection of the industry terms as being indefinite is traversed.

Rejections under 35 USC 103(a)

Claims 1-9

In the Office Action, the Examiner rejected Claims 1-9 under 35 USC 103(a) as being unpatentable over Roesner (5,690,306). Applicant has reviewed the Roesner reference and respectfully asserts that the claimed embodiments of the present invention are not obvious in view of Roesner for the following rationale.

Applicant respectfully states that Independent Claim 1 recites the features of “a handle element integral with said filler panel body”, and “said handle element fixedly coupled with said filler panel body.” As the Examiner has stated, Campbell does not disclose the above stated feature.

However, the Examiner has stated that it would be obvious to modify the clamp assembly 24 of Roesner into a single piece. However, Applicant respectfully states that it is not obvious to modify the clamp assembly 24 of

Roesner into a single piece when the functionality of the clamp assembly 24 would be lost if it were a single piece integral with the filler panel body. That is, Roesner teaches the use of the clamp 24 as a means of securing the cover to the rear panel. In addition, the removal of the panel body as taught by Roesner requires the rotation of the clamp 24 in the counter-clockwise direction.

Therefore, if the clamp 24 of Roesner was integral and fixedly coupled with the filler panel body as the Examiner has suggested, the clamp 24 would be inoperable and the cover of Roesner would no longer be retained in the correct position. Thus, the panel cover of Roesner would be useless. Therefore, Applicant respectfully points out that with respect to the clamp portion 24 of Roesner, Roesner actually teaches away from the fixedly coupled handle of the present claimed invention. Thus, applicant respectfully submits that the fixedly coupled handle of Claim 1 is not obvious with respect to Roesner but is instead a simplification and reduction of components resulting in a reducing of both manufacture time and final product cost as compared to the filler panel of Roesner.

Therefore, Applicant respectfully points out that Roesner neither teaches nor renders obvious the present claimed invention as recited in Claim 1 and, as such, Claim 1 traverses the Examiner's basis for rejections under 35 USC 103(a).

Claims 2 through 9 depend from the allowable Claim 1 and recite further features of the present claimed invention. Therefore, Applicant respectfully states that Claims 2 through 9 are allowable as pending from an allowable base Claim.

CONCLUSION

In light of the above amendments and remarks, Applicant respectfully requests allowance of Claims 1 through 9.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Date: 6/1/04



John P. Wagner Jr.
Reg. No. 35,398

Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060